

REMARKS

New claims 19 and 20 have been added, and therefore claims 5 to 13, 15 and 17 to 20 are now pending in the present application.

It is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

As to new claims 19 and 20, no new matter has been added and the new claims are supported by the present application (including, for example, in the Specification at page 1, lines 14-18; pg. 3, lines 6-13 and 30-34; and Figure 1). Claims 19 and 20 correspond to claims 5 and 9, except that the first sensor detecting clause and the second sensor detecting clause has been rewritten as suggested by the Office.

New claims 19 and 20 include features like those of their respective corresponding claims 5 and 9, as presented, and they are therefore allowable for essentially the same reasons, as claims 5 and 9, as explained below.

New claim 19 corresponds to claim 5 except that it has been rewritten -- as suggested by the Office -- to further clarify that when the first sensor detects an increase in the power received from the line to a first power level, the first timing sequence control system is triggered and, upon being triggered, controls the transmission of the first sensor so that the first sensor transmits data via the line for the first time interval, and that when the second sensor detects an increase in the power received from the line to a first power level, the second timing sequence control system is triggered and, upon being triggered, controls the transmission of the second sensor so that the second sensor transmits data via the line for the second time interval after the first time interval.

New claim 20 corresponds to claim 9 except that (like claim 19) it has been rewritten -- as suggested by the Office -- to further clarify that when the first sensor detects an increase in the power received from the line to a first power level, the first timing sequence control system is triggered and, upon being triggered, controls the transmission of the first sensor so that the first sensor transmits data via the line for the first time interval, and that when the second sensor detects an increase in the power received from the line to a first power level, the second timing sequence control system is triggered and, upon being triggered, controls

the transmission of the second sensor so that the second sensor transmits data via the line for the second time interval after the first time interval.

Any review of Hacket makes clear that it does not disclose (or even suggest) the above discussed features of claim 19 or claim 20. As explained herein, while the assertions are disagreed with in the Advisory Action (namely, the functionality of Hacket does not meet the broadest *reasonable* interpretation of the claim language of claims 5 and 9, as presented), new claim 19 corresponds to claim 5 except that it further clarifies the difference between the presently claimed subject matter and the Hacket method/system.

In particular, the assertion that the first power level is somehow disclosed by the baseline power level VL plainly does not apply to claim 19 (or claim 20) because the first power level of claim 19 (and of claim 20) is an increased power level that is maintained throughout the first and second time intervals, which is wholly unlike the Hacket method/system.

Furthermore, claim 19 (and claim 20) requires that the triggering be in response to detection of the increased power level by the sensors rather than “at the time of receiving” the first power level.

In view of the foregoing, the Hackett reference does not disclose (or even suggest) all of the features of claim 19 or claim 20, so that claims 19 and 20 are allowable.

Claims 5 to 13, 15, 17, and 18 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,754,262 to Hackett (“Hackett”).

As regards the anticipation rejections of the claims, to reject a claim under 35 U.S.C. § 102(b), the Office must demonstrate that each and every claim feature is identically described or contained in a single prior art reference. (*See Scripps Clinic & Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991)). As explained herein, it is respectfully submitted that the Final Office Action does not meet this standard, for example, as to all of the features of the claims. Still further, not only must each of the claim features be identically described, an anticipatory reference must also enable a person having ordinary skill in the art to practice the claimed subject matter. (*See Akzo, N.V. v. U.S.I.T.C.*, 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986)).

As further regards the anticipation rejections, to the extent that the Final Office Action may be relying on the inherency doctrine, it is respectfully submitted that to rely on

inherency, the Office must provide a “basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics *necessarily* flows from the teachings of the applied art.” (See M.P.E.P. § 2112; emphasis in original; and see *Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Int’f. 1990)). Thus, the M.P.E.P. and the case law make clear that simply because a certain result or characteristic may occur in the prior art does not establish the inherency of that result or characteristic.

Claim 5 includes the features in which at a point in time of receiving a **first power level**, the first timing sequence control system is triggered and, upon being triggered, controls the transmission of the first sensor so that the first sensor transmits data via the line for the first time interval. Further, at a point in time of receiving the **first power level**, the second timing sequence control system is triggered and, upon being triggered, controls the transmission of the second sensor so that the second sensor transmits data via the line for the second time interval after the first time interval.

Thus, the system in claim 5 specifically requires the triggering to be initiated by a first **power level**, and a first and second timing sequence control system is triggered in response. This is illustrated in the lower portion of Figure 2. Further, claim 5 requires that the first and second timing sequence control systems receive the **first power level throughout the first and second time intervals**. The first and second timing sequence control systems are included in the first and second sensor respectively. It is respectfully submitted that the Hackett reference does not identically disclose (nor suggest) at least these features.

The Final Office Action conclusorily asserts that the power levels of claim 5 somehow correspond to the voltage levels of the Hackett system. (See Final Office Action, pages 3 to 4, paragraph 5). In this regard, the Hackett reference indicates that its control system is triggered by “tone bursts” which are superimposed on the DC power supply voltage. (See Hackett, column 3, lines 49 to 59). The Hackett reference refers to this as a “synchronizing signal” that is “typically 6 kilohertz.” (*Id.*).

Thus, Hackett makes clear that it is triggered by “tone bursts” or pulses of voltage that go up and down typically at 6 kilohertz. Accordingly, Hackett does not identically disclose (or even suggest) the feature of triggering that is to be initiated by a **first power level**, as provided for in the context of claim 5. This is because the Hackett system is triggered by specific **tone bursts and not when a specific voltage level is sensed**, as provided for in the context of the presently claimed subject matter.

In the “Response to Arguments” section, the Final Office Action concedes that the sensor units of Hackett “do not begin counting the response periods until the end of this ‘tone burst’.” (Final Office Action, page 7 (emphasis in the original)). Further, it conclusorily asserts that the first power level is disclosed by the baseline power level VL. (*See id.*) Even if one would assume for the sake of argument that VL of Hackett somehow corresponds to the first power level, as asserted by the Final Office Action, then Hackett clearly does not identically disclose (nor suggest) triggering at a point in time of receiving a first power level, as provided for in the context of the claimed subject matter.

That is, in Hackett, VL is returned in between the pulses of the synchronizing signals without initiating any triggering. Accordingly, in Hackett there is no triggering at a point in time at a point in time when VL is reached. Rather, the “sensors wait for the end of the sequence to begin counting” as conceded by the Final Office Action even though VL is sensed in between the pulses. (*See id.*)

In the “Response to Arguments” section, the Advisory Action of September 29, 2010 concedes that the Hackett reference indicates that its control system is triggered by “tone bursts” which are superimposed on the DC power supply voltage. However, it conclusorily asserts that the functionality of Hackett meets the broadest reasonable interpretation of the claim language as presented.

It is asserted that this is because the present claim language does not require that the triggering occur when the first power level is first received or that no other power levels may be received and that the triggering need not be in response to the first power level but only at a point in time of receiving a first power level.

As explained above, however, in Hackett, the VL is returned in between the pulses of the synchronizing signals without initiating triggering. Accordingly, in Hackett there are points in time when VL is reached and no triggering occurs.

It is respectfully submitted that the Advisory Action and the Final Office Action essentially ignore the proper meanings of the above-discussed term-phrases -- which are to be understood in view of the specification. It is believed and respectfully submitted that the Office essentially ignores the reasonable interpretation of the above-discussed term-phrases and features, as provided for in the context of the claimed subject matter, and as would be understood by a person having ordinary skill in the art based on the specification. (*See In re Weiss*, 26 U.S.P.Q.2d 1885, 1887 (Fed. Cir. 1993) (when interpreting a claim term or phrase,

one must “look to the specification for the meaning ascribed to that term”; Board reversed) (unpublished decision); *In re Okuzawa*, 190 U.S.P.Q. 464, 466 (C.C.P.A. 1976) (“claims are not to be read in a vacuum, and limitations therein are to be interpreted in light of the specification in giving them their broadest *reasonable* interpretation”; Board reversed; emphasis in original) (citing *In re Royka*, 180 U.S.P.Q. 580, 582-83 (C.C.P.A. 1974) (claims are “not to be read in a vacuum and while it is true that they are to be given the broadest reasonable interpretation during prosecution, their terms still have to be given the meaning called for by the specification of which they form a part”; Board reversed; emphasis in original); and *In re Rohrbacher*, 128 U.S.P.Q. 117, 119 (C.C.P.A. 1960) (an “applicant is his own lexicographer and words used in his claims are to be interpreted in the sense in which they are used in the specification”; Board reversed)).

It is respectfully submitted that this is exactly the case here since it is clear that the Hackett method/system does not meet the broadest reasonable interpretation of the claim language as explained above as to claims 5 and 9.

In short, Hackett does not identically disclose (nor suggest) a first timing sequence control system and a second timing sequence being triggered *at a point in time of receiving a first power level*, in which the first and second timing sequence control systems receive the *first power level throughout the first and second time intervals*, as provided for in the context of the presently claimed subject matter.

In view of the foregoing, the Hackett reference cannot and does not anticipate claim 5, so that claim 5 is allowable, as are its dependent claims.

Claim 9, includes features like those of claim 5, as presented, and it is therefore allowable for essentially the same reasons, as are its dependent claims.

In summary, all of pending claims 5 to 13, 15 and 17 to 20 are allowable.

CONCLUSION

In view of the foregoing, it is respectfully submitted that all pending claims 5 to 13, 15 and 17 to 20 are in condition for allowance. It is therefore respectfully requested that the rejections (and any objections) be withdrawn. Since all issues raised by the Examiner have been addressed, an early and favorable action on the merits is respectfully requested.

Respectfully submitted,

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